

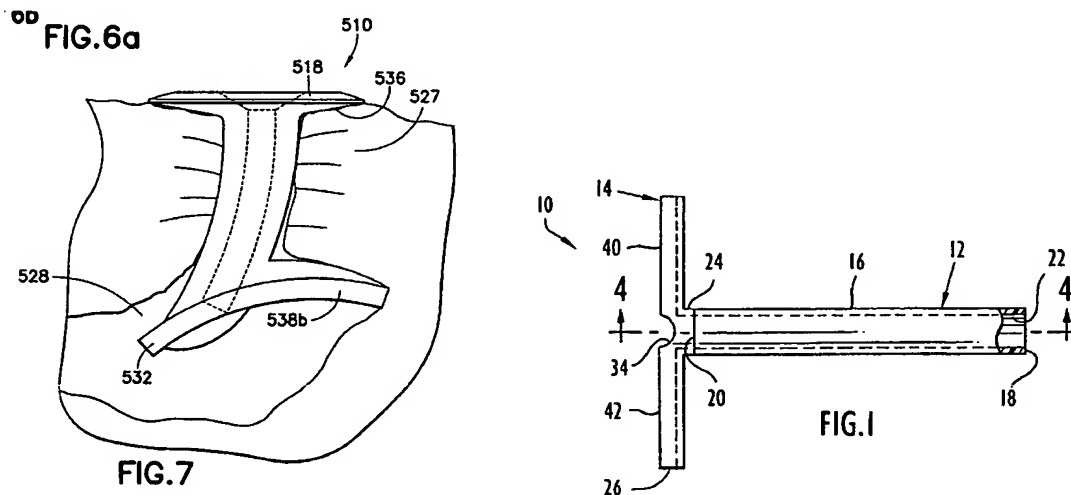
REMARKS

The application has been amended and is believed to be in condition for allowance.

Prior claims 1-10 are replaced with new claims 11-17 which recite the same invention, being more specific as to the extension direction for the branches being away from the collar. See Figure 1. No new matter is entered by way of this amendment.

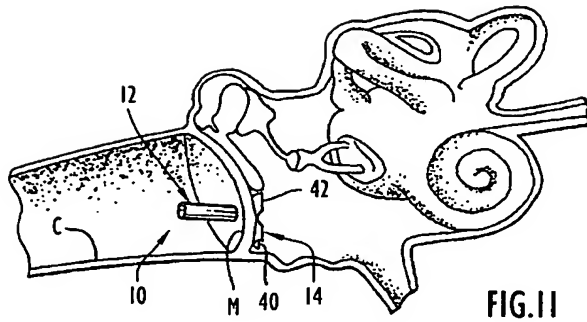
Claims 1, 5, 7, 8, and 10 stand rejected as obvious over WEBB 6,629,533 in view of GOODE 6,406,453.

Claims 6 and 9 stand rejected as obvious in further view of LEIB 5,318,513.



The Official Action would modify the Figure 7 eye plug of WEBB in view of the Figure 1 ear ventilation tube of GOODE.

As an initial matter, GOODE is non-analogous to WEBB in that medical field of the ears is separated from the medical field of the eyes.



GOODE Figure 11 shows the branches 14 of the T tube 12 extending behind a membrane in a space deprived from surrounding tissues and then acting as a stop in a void space. This makes no suggestion, absent hindsight, concerning a smooth functional retaining means appropriate against tissues of the lachrymal channel.

The Official Action states that GOODE teaches two legs 40, 42 (branches 14) that extend outwardly to retain the implant in place. The Official Action states that this teaching would motivate one of skill to modify WEBB to have two legs (diverging branches) that extend outwardly to retain the WEBB device in place.

As the Official Action notes, WEBB teaches that the anchoring leg 538 extends towards the top collar 518.

Therefore, if a second leg 538 were added to WEBB, the second leg would also extend towards the top collar.

In the invention, the branches both extend away from the top collar. See application Figures 1 and 9.

Claim 11 recites wherein said two branches are elastically connected to said first section in order to be biased each branch against the other branch .... If WEBB were modified as proposed, the branches would extend upward and could not be biased, each branch against the other branch.

Further, WEBB, even if modified, would not disclose two branches that each extend beyond said first portion in a direction away from said collar, the two branches elastically connected to the first portion in order to be biased each branch against the other branch and to diverge elastically each branch from the other branch in a plane including the longitudinal axis and the major axis of the elliptical collar.

Therefore, the invention as recited does not result.

There is no teaching in the applied references suggesting this geometry, whereby the surgeon knowing the direction of the plane of the branches movement when diverging into the canaliculus, can adjust the angular orientation of the plug around its general axis for meeting the orientation of the natural canaliculus which is collapsed on an antero-posterior plane.

In claim 14, the modified WEBB device would not provide two branches biased each branch against the other branch, the two branches during insertion into the meatus being brought together under action of an injector appliance for locating the plug into the meatus, again where the two branches each extend beyond said

elongate body in a direction away from said collar. Modified WEBB would not teach a device having:

i) each of said two branches, at rest, are diverging and extend obliquely relative to said longitudinal axis away from the collar,

ii) during insertion into the meatus said two branches are brought together under action of an injector appliance for locating the plug into the meatus, and

iii) subsequent to insertion into the meatus, said two branches are diverging elastically each branch from the other branch.

In the modified WEBB device the two branches would always be separated by the elongate body 512 so that two branches biased would be biased against the elongate body 512 and not biased each branch against the other branch, and the two branches during insertion into the meatus would be brought against the elongate body and not be brought together.

Reconsideration and allowance of all the claims are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Roland E. Long, Jr. Reg. No. 41,949  
209 Madison Avenue, Suite 500  
Alexandria, Virginia 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

REL/lk